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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**In re application of:**Hodges, *et al.*

Group Art Unit: 2109

Application No.: 10/720,587

Examiner: SIKRI, Anish

Filed: November 24, 2003

Attorney Docket: BS030353

Title: "Methods for Providing Communications Services"

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Scott P. Zimmerman  
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**PROPOSED AMENDMENT  
FOR DISCUSSION WITH  
EXAMINER SIKRI**

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Hello Examiner Sikri!

Thanks for this morning's call. I would like to schedule a telephone interview to discuss this proposed response to your February 9, 2007 office action. I would first like to get an agreement that the amended claims distinguish over the cited documents to *Kato* and to *Almgren*. Moreover, if you have suggestions that would result in a count with your next action, I am receptive to those suggestions.

Thanks,  
Scott

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### **PROPOSED AMENDMENT TO THE CLAIMS**

[c01] (Currently Amended) A method of providing communications services, comprising the steps of:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider;

dynamically assessing in real-time an availability of ~~at least one of~~ i) a communications network operated by the service provider and ii) another communications network operated by another service provider;

ascertaining a best-value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request; the best-value scenario maximizing profitability for the service provider; and

providing the communications service to fulfill the request, the communications service provided according to the best-value scenario.

[c02] (Currently Amended) A method according to claim 1, further comprising interrogating to determine if the another service provider can provide the requested communications service ~~the step of assessing in real time an availability of network routing in the communications network operated by the service provider.~~

[c03] (Currently Amended) A method according to claim 1, further comprising ~~the step of~~ assessing in real-time an availability of network routing in the another communications network operated by the another service provider.

[c04] (Currently Amended) A method according to claim 1, further comprising subcontracting at least some of the requested communications service to the another service provider ~~the~~

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~~step of assessing in real time an availability of network bandwidth in the communications network operated by the service provider.~~

- [c05] (Currently Amended) A method according to claim 1, further comprising receiving a response from the another service provider, the response including at least one of available network routing, available bandwidth, and pricing ~~the step of assessing in real time an availability of network bandwidth in the another communications network operated by the another service provider.~~
- [c06] (Currently Amended) A method according to claim 1, wherein ~~the step of~~ ascertaining the best-value scenario comprises ascertaining a lowest-cost scenario for formatting the electronic data according to a characteristic of the client communications device.
- [c07] (Currently Amended) A method according to claim 1, wherein ~~the step of~~ ascertaining the best-value scenario comprises ascertaining a lowest-cost scenario for providing the communications service.
- [c08] (Currently Amended) A method according to claim 1, further comprising ~~the step of~~ accessing a Service Level Agreement, ~~the Service Level Agreement being an agreement~~ defining parameters for the communications service requested by the user.
- [c09] (Currently Amended) A method according to claim 8, wherein ~~the step of~~ ascertaining the best-value scenario comprises maximizing profitability for the service provider while satisfying the Service Level Agreement.
- [c10] (Currently Amended) A method according to claim 1, further comprising ~~wherein the step of ascertaining the best value scenario comprises~~ utilizing the another communications network operated by the another service provider to provide the communications service.

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- [c11] (Currently Amended) A method according to claim 1, further comprising sending a reservation to reserve a routing path wherein the step of providing the communications service comprises utilizing the another communications network operated by the another service provider to provide the communications service.
- [c12] (Currently Amended) A method according to claim 1, wherein ~~the step of providing the~~ communications service comprises utilizing at least one of i) a wireline network operated by the another service provider and ii) a wireless network operated by the another service provider.
- [c13] (Currently Amended) A method according to claim 1, wherein ~~the step of providing the~~ communications service comprises utilizing at least one of i) cellular network operated by the another service provider, ii) an I.E.E.E. 802 wireless network operated by the another service provider, iii) a radio frequency (RF) wireless network operated by the another service provider, iv) an Industrial, Scientific, and Medical (ISM) wireless network operated by the another service provider, v) an infrared (IR) wireless network operated by the another service provider, and vi) a wireless network operated by the another service provider using another portion of the electromagnetic spectrum.
- [c14] (Currently Amended) A system for providing communications service, comprising the system operative to:
- receive a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider;
- dynamically assess in real-time an availability of i) a communications network operated by the service provider and ii) another communications network operated by another service provider;

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ascertain a best-value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best-value scenario maximizing profitability for the service provider; and

provide the communications service to fulfill the request, the communications service provided according to the best-value scenario

~~a Analysis Module stored in a memory device, the Analysis Module receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider, the Analysis Module dynamically assessing in real time an availability of at least one of i) a communications network operated by the service provider and ii) another communications network operated by another service provider, the Analysis Module ascertaining a best value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best value scenario maximizing profitability for the service provider, the Analysis Module providing the communications service to fulfill the request, the communications service provided according to the best value scenario; and~~

~~a processor communicating with the memory device.~~

[c15] (Currently Amended) A computer program product storing processor-executable instructions for, comprising:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider;

dynamically assessing in real-time an availability of i) a communications network operated by the service provider and ii) another communications network operated by another service provider;

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ascertaining a best-value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best-value scenario maximizing profitability for the service provider; and

providing the communications service to fulfill the request, the communications service provided according to the best-value scenario

~~a computer-readable medium; and~~

~~a Analysis Module stored on the computer-readable medium, the Analysis Module receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider, the Analysis Module dynamically assessing in real time an availability of at least one of i) a communications network operated by the service provider and ii) another communications network operated by another service provider, the Analysis Module ascertaining a best-value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best value scenario maximizing profitability for the service provider, the Analysis Module providing the communications service to fulfill the request, the communications service provided according to the best value scenario.~~

- [c16] (New) The system according to claim 14, further operative to interrogate to determine if the another service provider can provide the requested communications service.
- [c17] (New) The system according to claim 14, further operative to subcontract at least some of the requested communications service to the another service provider.
- [c18] (New) The system according to claim 14, further operative to receive a response from the another service provider, the response including at least one of available network routing, available bandwidth, and pricing.

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- [c19] (New) The computer program product according to claim 15, further comprising instructions for interrogating to determine if the another service provider can provide the requested communications service.
- [c20] (New) The computer program product according to claim 15, further comprising instructions for subcontracting at least some of the requested communications service to the another service provider.

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### **AMENDMENTS TO THE SPECIFICATION**

- 1) Please amend the title as "Methods, Systems, and Products for Providing Communications Services Amongst Multiple Providers."
- 2) Please replace the following paragraphs with these amended versions.

[0002] This application relates to the copending and the commonly assigned United States Application No. 10/720,941 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030006), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0003] This application relates to the copending and the commonly assigned United States Application No. 10/720,949 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030347), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0004] This application relates to the copending and the commonly assigned United States Application No. 10/720,586 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030348), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0004] This application relates to the copending and the commonly assigned United States Application No. 10/720,800 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030349), filed concurrently herewith, and of which the "Brief



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Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0005] This application relates to the copending and the commonly assigned United States Application No. 10/720,780 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030350), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0006] This application relates to the copending and the commonly assigned United States Application No. 10/720,956 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030351), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0007] This application relates to the copending and the commonly assigned United States Application No. 10/720,946 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030352), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

[0009] This application relates to the copending and the commonly assigned United States Application No. 10/720,892 ~~XX/XXX,XXX~~, entitled "Methods for Providing Communications Services" (Attorney Docket BS030356), filed concurrently herewith, and of which the "Brief Summary of the Invention" section and the "Detailed Description of the Invention" section are incorporated herein by reference.

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### REMARKS

In response to the Office Action dated February 9, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents to *Kato* and to *Almgren*.

Claims 1-20 are pending in this application, with claims 16-20 being newly added.

The United States Patent and Trademark Office (the "Office") objected to the title. The Office also rejected claims 1-15 under 35 U.S.C. § 103 (a) as being obvious over PCT International Application WO 00/41426 to Almgren, *et al.* in view of U.S. Patent Application Publication 2002/0112060 to Kato.

The Assignee shows, however, that the pending claims cannot be obvious. The pending claims recite, or incorporate, features that are not disclosed by the combined teaching of *Kato* and *Almgren*. The Assignee thus respectfully requests removal of the § 103 (a) rejection.

### Objection to Title

The Office objected to the title. The title has been amended to "Methods, Systems, and Products for Providing Communications Services Amongst Multiple Providers."

### Rejection of Claims 1-12

The Office rejected claims 1-15 under 35 U.S.C. § 103 (a) as being obvious over PCT International Application WO 00/41426 to Almgren, *et al.* in view of U.S. Patent Application Publication 2002/0112060 to Kato. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success;

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and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

Claims 1-15 cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of *Kato* and *Almgren*. All the independent claims, for example, recite "*ascertaining a best-value scenario of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best-value scenario maximizing profitability for the service provider*" (emphasis added). *Kato* gathers "information about a path." U.S. Patent Application Publication 2002/0112060 to *Kato* (Aug. 15, 2002) at Abstract and at paragraphs [0002] and [0119] through [0123]. Examiner Sikri then alleges that *Kato*, when combined with *Almgren*, teaches the "best value" scenario recited in the pending claims. The Assignee must, very respectfully, disagree. As the following paragraph explains, when *Almgren* describes price, *Almgren* is solely describing the user's sensitivity to price. The proposed combination of *Kato* and *Almgren*, then, is entirely silent to "*ascertaining a best-value scenario ..., the best-value scenario maximizing profitability for the service provider.*"

*Almgren* provides an explanation. "In a typical cellular communication network, a user defines his or her service requirements to a bearer (i.e., a service provider). PCT International Application WO 00/41426 to *Almgren, et al.* at page 1, lines 8-10 (emphasis added). "In addition, the user may also specify a price parameter." *Id.* at page 1, lines 15-16 (emphasis added). "The user may also specify a price sensitivity level parameter for a desired service." *Id.* at page 6, lines 25-26. *Almgren* explains that "in a web browsing application, a user normally desires a high bit rate for which the user's sensitivity level to price is low." *Id.* at page 7, lines 1-2. "However, the user may tolerate a lower bit rate if the user's sensitivity to level to price is high." *Id.* at page 7, lines 3-4. At other locations *Almgren* explains that this "price sensitivity level parameter" describes the user's sensitivity to price, not the service provider's desire to maximize profit. See, e.g., *id.* at page 7, lines 25-27, at page 8, lines 3-5, and at page 8, lines 7-8. The proposed combination of *Kato* and *Almgren*, then, is entirely silent to "*ascertaining a best-value scenario ..., the best-value scenario maximizing profitability for the service provider.*"

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Moreover, claims 1-15 recite, or incorporate, additional distinguishing features. All the independent claims, for example, recite “*dynamically assessing in real-time an availability of i) a communications network operated by the service provider and ii) another communications network operated by another service provider*” (emphasis added). The proposed combination of *Kato* and *Almgren*, however, only assesses the service provider’s ability to fulfill the user’s service. That is, the combined teaching of *Kato* and *Almgren* only determines when one service provider can fulfill the user’s service. *Almgren*, for example, explains that “[i]f the service provider cannot ... achieve at least the user’s minimum acceptable service requirements, the bearer service has to be renegotiated, or in the case of an ongoing call, handed-over (i.e., to a different service provider) or dropped.” PCT International Application WO 00/41426 to *Almgren, et al.* at page 4, lines 1-4. When “the bearer is unable to offer a level of service that meets the user’s service requirements, an empty NSV is generated.” *Id.* at page 13, lines 17-22. “Accordingly, the user may have to ... [define] a level of service that the bearer is capable of satisfying, or the user may have to negotiate with another service provider.” *Id.* at page 13, lines 22-25 (emphasis added). “In the event the user is unable to negotiate an acceptable level of service with any service provider, the user may be blocked ... or dropped.” *Id.* at page 13, lines 25-27.

Claims 1-15, then, cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the proposed combination of *Kato* and *Almgren*. The combined teaching of *Kato* and *Almgren* fails to teach or suggest “*ascertaining a best-value scenario ..., the best-value scenario maximizing profitability for the service provider.*” The combined teaching of *Kato* and *Almgren* also fails to teach or suggest “*dynamically assessing in real-time an availability of i) a communications network operated by the service provider and ii) another communications network operated by another service provider.*” Because *Kato* and *Almgren* are silent to at least all these features, one of ordinary skill in the art would not think that claims 1-15 are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of these claims.

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### Dependent Claims

The dependent claims recite additional distinguishing features. Claims 2, 16, and 19, for example, recite "*interrogating to determine if the another service provider can provide the requested communications service.*" Support for such features may be found at least at paragraphs [0025] through [0027] of the as-filed application. Claims 4, 17, and 20 recite "*subcontracting at least some of the requested communications service to the another service provider.*" Support for such features may be found at least at paragraph [0025] of the as-filed application. Claims 5 and 18 recite "*receiving a response from the another service provider, the response including at least one of available network routing, available bandwidth, and pricing.*" Support for such features may be found at least at paragraph [0029] of the as-filed application. Claim 11 recites "*sending a reservation to reserve a routing path.*" Support for such features may be found at least at paragraph [0031] of the as-filed application. Because *Kato* and *Almgren* are silent to at least all these features, one of ordinary skill in the art would not think that the dependent claims are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,

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